IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

BOB RUSH, BRIAN MEYER, RICK OLSON, MARY MASCHER, ART STAED, LIZ BENNETT, MARK SMITH, JO OLDSON, MARY WOLFE, MARTI ANDERSON, LEON SPIES, and MARTIN A. DIAZ, **Plaintiffs,** **v.** **GOVERNOR KIMBERLY K. REYNOLDS, GLEN DICKINSON, LESLIE HICKY, and DAN HUITINK,** **Defendants.**	**CASE NO. CVCV058127** **ORDER GRANTING MOTION TO DISMISS AND DENYING MOTION FOR TEMPORARY INJUNCTION**

This case involves a challenge to Senate File 638, a bill that included divisions enacting changes to Iowa's State Judicial Nominating Commission and the method of selecting a Chief Justice of the Iowa Supreme Court. Plaintiffs filed a motion for temporary injunction and Defendants filed a motion to dismiss on the basis of standing. The Court received briefs from the Parties and held hearing on both motions on June 24, 2019. Plaintiffs were represented by Bob Rush and Nate Willems. Defendants were represented by David Ranscht, assistant attorney general.

I. General Background.

On May 8, 2019, Governor Kim Reynolds signed Senate File 638, "An Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date, applicability, and retroactive applicability provisions." (See SF 638, Exhibit 1 to Second Amended Petition).

SF 638 is known as the "Standings Bill" for providing appropriations. During debate on the bill, it was amended to make adjustments to the process by which members of the State Judicial Nominating Commission are selected and the process by which a Chief Justice of the Iowa Supreme Court is selected and the term of office for the Chief Justice.

In 2019, legislation (House File 503 and Senate File 237) was introduced to make changes to Iowa's judicial nominating commission process and selection of Chief Justice. The bills were titled "An Act Relating to the Membership and Procedures of the State Judicial Nominating Commission and District Judicial Nominating Commission and to the Selection of Qualification of Judges, Associate Judges, and the Chief Justice, and Including Effective Date Provisions." Neither became law.

At 12:29 a.m. on April 27, 2019, amendment H-1321 was filed to SF 638, which included the changes relevant to the judicial branch. During debate, Mary Wolfe, a Plaintiff here and a member of the Iowa House of Representatives, raised the question of whether H-1321 was germane to SF 638. The Speaker of the Iowa House ruled the point was well taken and that H-1321 was not germane to SF 638. Regardless, a majority of the Iowa House voted to suspend its own rules in order to consider H-1321.

A vote was held on amendment H-1321, which passed. Vote was then held on SF 638, which passed as amended. SF 638 was then passed by the Iowa Senate and signed into law by Iowa Governor Kim Reynolds.

Twelve Plaintiffs brought suit, including Iowa residents, lawyers, commission members, and legislators. Plaintiffs argue SF 638 is unconstitutional because it violates Article III, Section 29 of the Iowa Constitution, which states:

> Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be

> embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Iowa Constitution, Art. III, §29. Plaintiffs also argue the provisions regarding selection of the Chief Justice violate separation of powers. Plaintiffs seek a temporary injunction preventing Divisions XIII and XIV of SF 638 from being implemented pending a final merits hearing. The Defendants moved to dismiss the lawsuit, alleging each of the Plaintiffs lacks standing to bring this litigation.

II. Standard on Motion to Dismiss.

When reviewing a motion to dismiss, the Court accepts the facts alleged in the petition as true. Hawkeye Foodservice Distribution, Inc. v. Iowa Educators Corp., 812 N.W.2d 600, 604 (Iowa 2012). Dismissal is proper only if "the petition shows no right of recovery under any state of facts." Id. Iowa's appellate courts "will affirm a district court ruling that granted a motion to dismiss when the petition's allegations, taken as true, fail to state a claim upon which relief may be granted." Shumate v. Drake University, 846 N.W.2d 503 (Iowa 2014) (affirming motion to dismiss after finding no private right of action). This Court may also consider "affidavits and other evidentiary showings in support of and in resistance to preanswer jurisdictional challenges." Citizens for Responsible Choices, 686 N.W.2d at 473. In Citizens for Responsible Choices, the Iowa Supreme Court explained that a challenge to standing is appropriately treated as a preanswer jurisdictional challenge and, therefore, this Court may consider the affidavits submitted in this matter. These affidavits detail the legislative process relating to SF 638 and more fully identify the alleged harms asserted by Plaintiffs.

III. Standing.

The State argues that none of the Plaintiffs in this case has standing to challenge Division XIII and XIV of SF 638. "Standing to sue has been defined to mean that a party must have

sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy." Citizens for Responsible Choices v. City of Shenandoah, 686 N.W.2d 470, 475 (Iowa 2004). Standing is a prudential rule of self-restrain that addresses the proper role of the courts in a democratic society. Godfrey v. State, 752 N.W.2d 413 (Iowa 2008). Generally, Plaintiffs must meet two separate elements of standing. First, Plaintiffs must have a "specific personal or legal interest" in the challenged action, "as distinguished from a general interest." Id. at 419. Second, Plaintiff must be injuriously affected, which means "injured in fact."

Iowa's standing doctrine "parallels the federal doctrine, even though standing under federal law is fundamentally derived from constitutional strictures not directly found in the Iowa Constitution." Id, at 418. Federal standing has been summarized as the "requirement that the plaintiff must have suffered an injury in fact, constituting an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." Russell v. DeJongh, 491 F.3d 130 (6th Cir. 2007) (citing United States v. Hays, 515 U.S. 737, 742-43 (1995); Allen v. Wright, 468 U.S. 737, 751 (1984)).

The Plaintiffs can be separated into four groups: residents, lawyers, commission members, and legislators. Each will be addressed in turn.

A. Residents.

Plaintiffs' Second Amended and Substituted Petition alleges Plaintiffs Brian Meyer, Rick Olson, Mary Mascher, Art Staed, Liz Bennett, Mark Smith, Jo Oldson, Mary Wolfe, Marti Anderson, and Bob Rush are residents of Iowa. Residency is insufficient to confer standing in this case. Iowa and federal courts reject sanding "based on the general interest of a litigant in having government act pursuant to the law." Godfrey, 752 N.W.2d at 421. "Such claims present only a generalized grievance because all citizens have an interest in constitutional government."

Id. Godfrey is on point and held an individual did not have standing to pursue a single-subject challenge to legislation, noting "Godfrey seeks nothing more than the general vindication of the public interest in seeing that the legislature acts in conformity with the constitution." Id. at 424. Plaintiffs do not have standing to assert their claims soley as residents.

B. Lawyers.

Plaintiffs Bob Rush, Rick Olson, Mary Wolfe, Jo Oldson, Brian Meyer, Martin Diaz, and Leon Spies are all lawyers licensed to practice in Iowa. They assert standing as Iowa lawyers who have the right to participate in the election of the eight (8) lawyer members of the State Judicial Nominating Commission. Iowa lawyers will continue to elect the same number of lawyer members for the State Judicial Nominating Commission. Attorney Plaintiffs' argument is that their votes to select the eight lawyer members have been diluted because the eight lawyer members now serve on the commission with nine appointment members instead of with eight appointed members and one justice of the Iowa Supreme Court.

Attorney Plaintiffs do not have standing. They do not assert the lawyer members have lost a right to vote. See e.g. Carlson v. Wiggins, 760 F.Supp.2d 811, 819 (S.D. Iowa 2011) (holding plaintiffs had standing to challenge election of lawyer members based on their allegation that they had "been denied the right to vote" but dismissing case for failure to state a claim). Attorney Plaintiffs may still cast their votes the same as before and are still able to vote for the same number of elected members of the State Judicial Nominating Commission. The United State Supreme Court cases Raines v. Byrd 521 U.S. 811, 826 (1997) and Coleman v. Miller, 307 U.S. 433 (1939) demonstrate the distinction.

In Coleman v. Miller, 307 U.S. 433 (1939), 20 of Kansas' 40 State Senators voted to ratify a proposed federal amendment and 20 voted not to ratify. With a tie vote, the amendment

would not have been ratified. The State's Lieutenant Governor cast a deciding vote in favor of the amendment and it was ratified. The US Supreme Court found the 20 State Senators who had voted against the amendment had standing to assert the Lieutenant Governor acted illegally because they alleged their votes had been completely nullified.

In Raines v. Byrd, 521 U.S. 811 (1997), the U.S. Supreme Court distinguished Coleman and refused to find standing for legislators who asserted a line item veto act would allow the President to override their votes. The Court emphasized that the Plaintiffs had "not alleged that they voted for a specific bill, that there were sufficient votes to pass the bill, and that the bill was nonetheless deemed defeated." Raines, 521 U.S. at 824. The Court's language is instructive here: "There is a vast difference between the level of vote nullification at issue in Coleman and the abstract dilution of institutional legislative power that is alleged here."

Here, unlike in Coleman, lawyer members have not lost their vote or had it nullified. Instead, they allege an abstract dilution of institutional power. The abstract argument requires one to assume that all appointed members will vote in concert and all attorney elected members will vote in concert. Attorney Plaintiffs do not have standing as Iowa attorneys. Therefore, the motion to dismiss is granted as Attorney Plaintiffs.

C. Commission Members.

Plaintiffs Martin A. Diaz and Leon Spies assert a claim as members of the State Judicial Nominating Commission. Diaz is a current member of the State Judicial Nominating Commission and Spies has been elected to begin his term effective July 1, 2019. The Commission members argue they have standing because they claim their votes within the commission have been "diluted." This argument for standing fails for the same reason the Iowa lawyer standing fails. Commissioner Diaz had one vote prior to SF 638 and still has one vote.

Commissioner-elect Spies will have one vote when his position becomes effective on July 1, 2019 and this was not impacted by SF 638. SF 638 took no action to remove the vote from either Diaz or Spies.

Instead, Diaz and Spies argue that the "balance" of the commission has changed. Prior to SF 638, the Iowa Constitution provided that the State Judicial Nominating Commission would consist of eight appointed members, eight elected attorney members, and one Justice of the Iowa Supreme Court. Iowa Constitution, Art. V, §16. Article V, section 16 provided that this default would govern until "July 4, 1973, and thereafter unless otherwise provided by law." Id. SF 638 provides otherwise: there are now nine appointed members and eight elected attorney members[1].

[1] Plaintiffs argued by reply brief that the phrase "otherwise provided by law" in Art. V § 16 means balance between lawyers and attorneys is constitutionally required absent further constitutional amendment. The language does not support that contention. The legislature may otherwise provide law through statute, but the Constitution serves as the default in the absence of any legislation. See e.g. Grand Cty. Bd. of Commissioners v. Colorado Prop. Tax Adm'r, 2016 COA 2, ¶ 46, 401 P.3d 561, 569 (Colo. Ct. App., Div. I, 2016) ("Article X, section 5 exempts from taxation property used for religious worship, *unless otherwise provided by law,* thus leaving it absolutely within the power of the Legislature to limit, modify, or abolish the exemptions provided by the Constitution."); State ex rel. New Mexico Judicial Standards Comm'n v. Espinosa, 2003-NMSC-017, ¶ 28, 134 N.M. 59, 66, 73 P.3d 197, 204 (N.M. 2011) ("Because Article V, Section 5 gives the Governor the discretionary power to remove officers whom he appoints "unless otherwise provided by law," that law must come from the [New Mexico] Constitution or legislation."); White v. Sturns, 651 S.W.2d 372, 375 (Tex. App. 1983) ("The phrase, 'unless otherwise provided by law,' refers to the power of the Legislature to provide by statute for public offices other than those specified in the [Texas] Constitution, and allows the Legislature to prescribe the manner of filling of vacancies in those statutorily created public offices; provided, however, if the pertinent statute does not prescribe the manner for filling vacancies in those offices, then they shall be filled in the manner required by art. IV, § 12."). Plaintiff cite Wielechowski v. State, 403 P.3d 1141 (Alaska 2017). In Wielechowski, a constitutional provision stated "All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law." The Court held this provision did allow legislators to deposit funds other than in the general fund as required. However, the clause did not also override a separate anti-dedication clause in the constitution without specific legislative appropriation of funds. Regardless, the legislature was able provide the "law," no additional constitutional amendment was required.

Diaz and Spies have not lost their votes. Notably, the only individual to lose a vote is the removed Justice of the Iowa Supreme Court. Diaz and Spies argue the nine appointed members can form a voting block that could prevent the attorney members' votes from having any impact. However, such argument is speculative and the type of "abstract dilution" that does not confer standing pursuant to Raines. There is no guarantee the nine appointed members will vote in concert. There is no guarantee the eight attorney members will vote in concert. Lawyers are not a protected class and at least two of the appointed members are also Iowa attorneys (Kathleen Law and Dan Huitink). Although the record before the Court illustrates the appointed members are all currently Republicans, the vacancies rotate and members will continue to finish their terms and whoever is the Governor at the time will replace them. Further, there is no requirement that the eight attorney members be of any particular political party. Neither the Iowa Constitution nor Iowa statute requires balance between the political parties on the State Judicial Nominating Committee.

The commission members' assertions of harm are based on assumptions regarding future votes that allege a diminution in political power and not an injury sufficient to confer standing. See Godfrey, 752 N.W.2d at 423 (rejecting claim of standing to challenge bill impacting workers' compensation laws by plaintiff worker with prior work-related injury because there is "nothing to show that the future injury is not merely theoretical."); Citizens for Responsible Choices, 686 N.W.2d at 475 (holding plaintiffs did not have standing to challenge to revenue bond financing because they alleged no adverse impact from the bond itself, only that the bond would in the future be used to finance a project that would plan to acquire land they owned by eminent domain). Commissioner Diaz and future commissioner Spies do not have standing to

challenge SF 638 and, therefore, the State's motion to dismiss is granted as to Commissioner Plaintiffs.

D. Legislators.

The final group of Plaintiffs are nine Iowa legislators. Unlike Rush, Diaz, and Spies, these Plaintiffs do not allege injury from the substantive operation of SF 638. Instead, these Plaintiffs allege injury based on the process by which SF 638 was enacted, claiming they were injured in their role as legislators. The legislators assert the Iowa House failed to follow Iowa's constitutional mandate to limit legislation to single-subject bills and to express such subject in the title of the act:

> Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Iowa Constitution, Art. III, §29. The Speaker of the Iowa House agreed that the amendment, H-1321, was not germane and the House voted to suspend its own rules before it could consider the amendment. The amendment passed and then SF 638, as amended, passed.

Legislators Staed, Meyer, Wolfe, Mascher, Olson, Anderson, Oldson, and Smith filed affidavits detailing the legislative process for SF 638. Each are members of the Iowa House and each voted against suspending the House rules, against amendment H-1321, and against SF 638. They allege they were denied the opportunity to vote on SF 638 and H-1321 in a manner consistent with the Iowa Constitution's single-subject and title requirement.

The Iowa Supreme Court has, on one occasion, reached a challenge by a legislator asserting a bill violated the single subject requirement. In Miller v. Bair, 444 N.W.2d 487 (Iowa

1989), legislator Thomas H. Miller challenged Senate File 395, asserting the bill violated the single-subject requirement of the Iowa Constitution. The Iowa Supreme Court reached the merits and held the bill did not violate the single-subject requirement. As noted by Defendants, Miller v. Bair failed to discuss or analyze the legislator plaintiff's standing.

Defendants argue these legislators lack standing to challenge the process by which SF 638 was enacted because they are not substantively impacted or harmed by the provisions of SF 638. The Defendants' assertion that legislators must allege personal harm from the substance of the bill is not the correct distinction. For example, Defendants concede that legislators in Iowa may challenge the Governor's exercise of a line item veto. In such circumstance, the legislators are not harmed by the substance of the law at issue – instead, their challenge is to the Governor's exercise of power to override their official votes. See Rants v. Vilsack 684 N.W.2d 193 (Iowa 2004) (holding Governor lacked authority to exercise line-item veto limited to appropriations bills because bill at issue was not an appropriation bill). Federal courts also recognize legislator standing when "the Members' votes would have been sufficient to defeat (or enact) a bill which has gone into effect (or not been given effect) and their votes have been completely nullified." Common Cause v. Biden, 909 F.Supp.2d 9, 24 (D.D.C. 2012) (citing Coleman v. Miller, 207 U.S. 433 (1939) and Raines v. Byrd, 521 U.S. 811 (1997)). Therefore, there are some circumstances when legislators have standing based on process concerns and not only based on the substance of the legislative or executive action at issue.

The distinction raised between Raines v. Byrd, 521 U.S. 811 (1997) and Coleman v. Miller, 307 U.S. 433 (1939) is the heart of the dispute here. As noted above, in Raines v. Byrd, the U.S. Supreme Court held legislators did not have standing to challenge an allegedly unconstitutional bill when they had lost the vote in the legislature. 521 U.S. 811 (1997). Raines

held there was no general standing to remedy an abstract dilution of institutional legislative power, even where it raised constitutional concerns. Raines distinguished the prior case of Coleman v. Miller, as one alleging vote nullification. As Raines explained, unlike Coleman, the plaintiffs in Raines, had "not alleged that they voted for a specific bill, that there were sufficient votes to pass the bill, and that the bill was nonetheless deemed defeated." Raines, 521 U.S. at 824.

In the wake of Raines, federal courts have grappled with the determination of whether a legislator's claim is barred by the standing doctrine set forth in Raines or whether it asserts a claim sufficient to establish standing as allowed in Coleman. In Chenoweth v. Clinton, 181 F.3d 112 (D.C. Cir. 1999), the D.C. Circuit revisited its prior caselaw in light of Raines. Previously, in a case called Moore v. U.S. House of Representatives, 733 F.2d 946 (D.C. Cir. 1984), the D.C. Circuit had held the infringement of a legislator's "right to participate and vote on legislation in a manner defined by the Constitution" is an injury sufficiently direct and concrete to support standing to sue. Chenowith, 181 F.3d at 113 (quoting Moore, 733 F.2d at 951). In Moore, members of congress alleged they had been deprived of their constitutional right to originate a bill intended to raise revenue. Instead of originating in the House of Representatives, as constitutionally required, the bill had originated in the Senate. Although the Moore court had found standing, it dismissed the case based on judicial discretion under the separation of powers doctrine because it found the dispute was primarily a controversy with other members of Congress and the rights asserted could be vindicated by congressional repeal of the statute. Moore, 733 F.2d at 956. Chenowith recognized that Raines essentially required the Court to merge its separation of powers and standing analyses, abrogating the Moore holding on standing.

Id. at 116. Moore presents a similar circumstance to this case: legislators who allege an unconstitutional process in the enactment of a bill.

The facts at issue in Chenowith and Baird v. Norton, 266 F.3d 408 (6th Cir. 2001) provide further illustration. Chenowith involved the plaintiff legislators' claim that President Clinton's creation of the American Heritage Rivers Initiative (AHRI) by executive order exceeded his statutory and constitutional authority and deprived them of the right to vote on legislation and expenditures of federal money. The D.C. Circuit held plaintiffs did not have standing, relying on Raines and emphasizing that plaintiffs did not allege the necessary majorities in congress had voted to block the AHRI and plaintiffs could not show vote nullification. Id. at 116-117. Instead, the dispute was susceptible to political resolution and would require "meddling" in the internal affairs of the legislative branch. Id, at 116. Chenowith distinguished a prior pocket veto case, Kennedy v. Sampson, 511 F.3d 430 (D.C. Cir. 1974), because in that situation a bill had been passed but was made ineffective by allegedly illegal executive action. Id. at 116-17.

In Baird v. Norton, 266 F.3d 408 (6th Cir. 2001), the Sixth Circuit addressed claims by two Michigan legislators asserting procedural safeguards in the Michigan Constitution had been violated and that their votes had been nullified in the approval of gaming compacts between the State of Michigan and Indian tribes. The legislators alleged the compacts failed to comply with constitutional requirements to read proposed legislation three times and be in possession of both houses at least five days prior to any vote. The legislators also alleged that because the compacts were approved by "concurrent resolution," they were improperly approved by a majority of votes cast instead of a majority of total votes. The Sixth Circuit held the legislators did not have standing under Raines. First, Baird held the constitutional procedural requirements were

intended to "preclude last-minute, hasty legislation and to provide notice to the public of legislation under consideration" and the failure to follow such safeguards was a generalized grievance shared by all Michigan residents and insufficient to confer standing. Id. at 411. Second, Baird held that, although less than a majority of total votes (as opposed to majority of votes cast) had voted for the compacts in the Michigan House, the house member plaintiff (Baird) still failed to establish standing under the Coleman concept of vote nullification because she could not show the resolution would have failed if a majority of total votes was required. Baird had voted against the resolution and it had still passed; her personal vote had not been nullified. The Court did note that standing could be possible if enough of the non-votes joined with those who voted no to challenge the concurrent resolution, see Baird, 266 F.3d, 413 n.2 (discussion of potential allegation of nullification of non-votes).

Although based in Article III constitutional standing, this federal caselaw provides guidance to Iowa courts. The Iowa Supreme Court has previously pointed to the distinction between Coleman and Raines to frame the discussion of legislator standing. See Alons v. Iowa Dist. Court for Woodbury County, 698 N.W.2d 858 (Iowa 2005). In Chenowith and Baird, the plaintiff legislators alleged an unconstitutional violation of process that they claimed deprived them of their full role as legislators. However, each Court found they did not have standing because they could not make the necessary allegation of vote nullification to fall within the Coleman exception, as explained by Raines. The claims of Plaintiff legislators fail here for the same reason. Plaintiffs do not allege that their votes were overridden, as they would be in a line item veto case when the Governor vetoes a provision that was otherwise passed by the Iowa legislature. Plaintiffs do not allege they have the votes to prevent enactment of Divisions XIII and XIV of SF 638 or that their votes were not given effect. To the contrary, each Legislator

Plaintiff who provided an affidavit voted against amendment H-1321 and against SF 638 and the amendment and bill were passed anyway. The Legislator Plaintiffs allege they were deprived of the "opportunity" to vote for a single subject bill consistent with Iowa's Constitution. This alleged harm is the type of abstract dilution of political power that Raines and its progeny have rejected as the basis for standing. The claims of the Legislator Plaintiffs are dismissed.

E. Public Importance Doctrine.

Plaintiffs argue that even if the Court finds they are without standing, the Court should reach the merits under the public importance doctrine. Godfrey recognized that "our doctrine of standing in Iowa is not so rigid that an exception to the injury requirement could not be recognized for citizens who seek to resolve certain questions of great public importance and interest in our system of government." 752 N.W.2d at 425. However, Iowa courts "become especially hesitant to act when asked to resolve disputes that require us to decide whether an act taken by one of the other branches of government was unconstitutional." Id. at 427.

With regard to Counts I and II, the fundamental policy dispute at issue in the legislature is the make-up of the State Judicial Nominating Commission. However the legal challenge asserted in Counts I and II are the single-subject and title requirements of the Constitution. The types of issues that raise a public interest doctrine are typically those that are likely to recur in the future, particularly if there are concerns about recurring mootness. See e.g. Rush v. Ray, 332 N.W.2d 325, 327 (Iowa 1983) (listing cases). Such issues are not implicated here. Iowa plaintiffs may still successfully raise an Article III, section 29 single-subject or title challenge when they are directly impacted by legislation. See e.g. Giles v. State, 511 N.W.2d 622 (Iowa 1994) (holding criminal defendant's challenge to change in appeal rights based on single-subject

requirement was meritorious). These issues occasionally arises in Iowa's jurisprudence, but each time the subject and legislation at issue are unique. Resolution of the single-subject or title question is not the type of constitutional issue to require waiver of standing.

With regard to Count III, Plaintiffs allege changes to the selection of Iowa's Chief Justice violate the separation of powers set forth in the Iowa Constitution. The above discussions of standing all relate to the claimed harms from either the change in membership on the State Judicial Nominating Commission or the alleged violation of the single subject/title requirement. No plaintiff has identified personal standing to bring the separation of powers claim. The constitutional separation of powers argument is widely dispersed and an interest shared by all citizens and, therefore, does not convey standing. Nor is there a basis to allow this claim to proceed without standing. The legislation alters existing legislation regarding how the Chief Justice is selected. The Iowa Supreme Court will continue to have a Chief Justice and the Court itself will still vote for its Chief Justice; the legislation changes the term of the elected Chief. This issue is not the type of constitutional issue to require waiver of standing.

IT IS HEREBY ORDERED that the claims are DISMISSED. The motion for temporary injunction is DENIED. Costs are assessed to Plaintiffs.

State of Iowa Courts

Type: OTHER ORDER

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CVCV058127	BOB RUSH ET AL VS KIMBERLY REYNOLDS ET AL

So Ordered

Sarah Crane, District Court Judge
Fifth Judicial District of Iowa